

# EXHIBIT W-14

## District Court's Service Handbook Plaintiff Followed and Served All Defendants

[file:///C:/Users/Admin/Desktop/Circuit-Brief%20of%202022/2022%20Eastern%20Distict%20Court/Service\\_Handbook.pdf](file:///C:/Users/Admin/Desktop/Circuit-Brief%20of%202022/2022%20Eastern%20Distict%20Court/Service_Handbook.pdf)

## What does service mean?

The plaintiff is responsible for notifying the defendant(s) that a complaint has been filed against them in Federal Court. This process is called "**service**" or "**serving the defendant(s)**." Each defendant must receive an issued summons (signed and sealed by the Court) and a copy of the complaint.

A summons is an official notice from the Court notifying the defendant(s) they are being sued. The summons also informs the defendant(s) that they must answer the complaint in a certain amount of time.

If the complaint is not properly served on the defendant(s), the case may not proceed. Rule 4 of the Federal Rules of Civil Procedure includes the requirements for serving the complaint.

## When must it be done?

Under Fed.R.Civ.P. 4, the complaint must be served 90 days from the date it was filed with the court, on the defendant(s) in your case.

## Who must be served?

All defendant(s) named in your complaint must be served. **The clerk will only issue summons for parties named as defendants in your complaint.**



If you are suing the U.S. Government, its agencies or employees, Rule 4 of the Federal Rules of Civil Procedure includes a list of additional parties that must be served.

## How can the complaint be served?

### 1. Personal Service

A person who is not a party to the case and is over the age of 18, can personally deliver or serve the summons and complaint on the defendant(s).

### 2. By Mail

The summons and complaint can be served by sending them by certified mail with **restricted delivery and return receipt**. A "green card" (PS Form 3811) will be mailed to the plaintiff, to show proof of service. The "**green card**" or a copy, must be filed with the Court.



### 3. Waiver of Service

By asking the defendant to waive formal service by sending them a ***Notice of Lawsuit and Request to Waive Service of a Summons and a Waiver of the Service of Summons***. If the defendant waives service, they will return the signed Waiver of the Service of Summons form to plaintiff.

### 4. Service by U.S. Marshal

If you request to have the payment of the filing fee waived by the Court and

1.) The filing fee is waived

and